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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/814,440 | 03/31/2004 | Daniel Case | 15436.333.1 | 5467 |
| 22913 | 7590 | 04/05/2005 | EXAMINER | |
| WORKMAN NYDEGGER (F/K/A WORKMAN NYDEGGER & SEELEY) 60 EAST SOUTH TEMPLE 1000 EAGLE GATE TOWER SALT LAKE CITY, UT 84111 | | | MAI, LAM T | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2819 | |

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/814,440

Applicant(s)

CASE ET AL.

Examiner

LAM T. MAI

Art Unit

2819

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,14-24,31 and 32 is/are rejected.
- 7) ☒ Claim(s) 3-13,25-30 and 33-38 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 14-24, and 31-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Perez et al (USP 6,252,528).

Regarding claim 1, 23, and 31, Pezez discloses a system (shown in figure 3) that teaches a variable gain amplifier (202) (functions of variable gain amplifier is similar to analog scaler) for scaling value of analog signal; a analog to digital converter (204) for converting the gained analog signal to a digital; a digital interface and control module (302) having a processor and memory module for storing microcode executable by the processor. The gain amplifier is adjusting a input value prior converting to a digital signal representing a digital value. The digital interface and control module (302) read the digital value from 204) and determining the digital value whether the gained value

should be adjuster for the analog signal so the analog signal to the adc (204) would be within the input range (see figure 3, col. 6-8).

Regarding claims 2, 24, and 32, Pezer teaches that the digital interface and control (302) sending digital signal constantly back to gain amplifier (202) for gain amplifier act of adjusting and reading with the adjusted value (see col. 6-8).

Regarding claim 14, the system taught by Pezer in claim 1 can be implemented in transmitter/receiver application such as laser.

Regarding claim 15, the system taught by Pezer in claim 1 can be implemented in 1G laser transmitter/receiver application as well.

Regarding claim 16, the system taught by Pezer in claim 1 can be implemented in 2G laser transmitter/receiver application as well.

Regarding claim 17, the system taught by Pezer in claim 1 can be implemented in 4G laser transmitter/receiver application as well.

Regarding claim 18, the system taught by Pezer in claim 1 can be implemented in laser 10GB transmitter/receiver application as well.

Regarding claim 19, the system taught by Pezer in claim 1 can be implemented in laser transmitter/receiver application that is greater than 10GB as well.

Regarding claim 20, the system taught by Pezer in claim 1 can be implemented in XFP laser transmitter/receiver application as well.

Regarding claim 21, the system taught by Pezer in claim 1 can be implemented in SFP laser transmitter/receiver application as well.

Regarding claim 22, the system taught by Pezer in claim 1 can be implemented in SFF laser transmitter/receiver application as well.

Allowable Subject Matter

Claims 3-13, 25-30, and 33-38 are objected to as being dependent upon a rejected base claim, but would be considered for allowable if they are rewritten in independent form including all of the limitations of the base claim and any intervening claims. The features claim in the objected claims are not taught or suggested in the prior art.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAM T. MAI whose telephone number is (571)272-1807. The examiner can normally be reached on 6:00 am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Tokar can be reached on (571) 272-1812. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in cursive script, appearing to read "Lam Mai", written in black ink.

Lam T. Mai
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